

Appl. No. 10/603,380
Amdt. dated March 9, 2005
Reply to Advisory Action of March 3, 2005

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 1, 2, 4-12, 14, 15, and 17, 19-23 are pending in the subject application, with currently amended Claim 1, and newly added Claims 21-23 being in independent format. This Supplemental Amendment and Reply is being filed within three months from the mailing date of the Final Office Action mailed December 20, 2004.

On February 22, 2005, an Amendment and Reply was filed in response to the Final Office Action mailed December 20, 2004. On March 3, 2005, an Advisory Action was mailed. The Examiner states in the Advisory Action that Amendment and Reply dated February 22, 2005 fails to place the subject application in condition for allowance and that the proposed amendments will not be entered because the amendments raise new issues that would require further consideration and/or search. Applicant notes that newly added Claim 21 presented in the Amendment and Reply dated February 22, 2005 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

Applicant notes that his argument with respect to Claims 1-5, 14, 15, and 19, presented in the Amendment and Reply to Office Action dated November 22, 2004, have been considered and that the Examiner states that the arguments are moot. Applicant also notes that the objection to the abstract, the rejections to Claims 1-5, 14, 14, and 19 under 35 U.S.C. §102(b), and the rejections to Claim 20 under 35 U.S.C. §103 as indicated in the prior Office Action mailed May 20, 2004 have been withdrawn. In addition, applicant notes that the indication of allowable subject matter in the prior Office Action is withdrawn.

Applicant's representative sincerely thanks Examiner Sandy for his time and comments during the telephone conference regarding the subject application of March 9, 2005.

Claim 3 has been canceled because its subject matter has been incorporated in amended Claim 1. Claim 1 has been amended to recite: "A device for securing and adjusting laces....said at least one central aperture comprising at least four sides and forming at least two wedge angles facing each lateral aperture, wherein a longitudinal axis is formed through geometric centers of said at least two lateral apertures and said at least one central aperture." Support for the amendment can be found in Claim 3, as originally filed, on page 3, lines 21-23, page 5, lines 10-

BEST AVAILABLE COPY

13318.1001

Appl. No. 10/603,380
Amdt. dated March 9, 2005
Reply to Advisory Action of March 3, 2005

11, and page 7, lines 25-34 of the specification as originally filed. This feature of applicant's claimed invention is also clearly illustrated in Figures 1A, 4A, and 4B as originally filed.

Claims 13, 16, and 18 have been canceled. Newly added independent Claim 21 is drawn to subject matter previously recited in canceled Claim 13 and includes all of the limitations of previously amended Claim 1. As discussed during the telephone conference with the Examiner, it was applicant's intention for original Claims 16 and 18 to depend from original Claim 1. However, applicant's representative discovered that original Claims 16 and 18 were improperly drafted. The embodiment of applicant's inventive device as claimed in original Claim 16 is illustrated in Figure 5A, while the embodiment of applicant's inventive device as claimed in original Claim 18 is illustrated in Figure 5B. Accordingly, newly added Claim 22 is drawn to subject matter previously recited in original Claims 1 and 16. Newly added Claim 23 is drawn to subject matter previously recited in original Claims 1 and 18. Claims 14 and 15 have been amended to depend from currently amended Claim 1. Claim 17 has been amended to depend from newly added independent Claim 22.

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter. It is also urged that this amendment is appropriate after final rejection.

Claim Rejections – 35 U.S.C. §102(b)

Claims 1-12, 14, 15, 19, and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by *Wilson et al.* (U.S. Patent No. 441,732). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner alleges that *Wilson et al.* discloses a device (see Fig. 4 of *Wilson et al.*) comprising: a body (frame *h* as disclosed by *Wilson et al.*) having a top surface, a bottom surface, and a perimeter, wherein the body is provided with at least two apertures (*h'* as disclosed by *Wilson et al.*) positioned "laterally" on opposite sides of a center of the body, wherein the body further being provided with at least one aperture (*h²* as disclosed by *Wilson et al.*) positioned near the center of the body, and wherein the at least one central aperture comprising at least four sides and forming at least two wedge angles facing each lateral aperture.

Appl. No. 10/603,380
Amtd. dated March 9, 2005
Reply to Advisory Action of March 3, 2005

Applicant respectfully submits that *Wilson et al.* fails to disclose each element of currently amended Claim 1. Therefore, none of Claims 1, 2, 4-12, 14, 15, 19, and 20 are anticipated by *Wilson et al.*

Claim 1 of the subject application, as currently amended, recites "a device for securing and adjusting laces, cords, and strings... said at least one central aperture comprising at least four sides and forming at least two wedge angles facing each lateral aperture, wherein a longitudinal axis is formed through geometric centers of said at least two lateral apertures and said at least one central aperture."

Wilson et al. discloses a halter having a frame (h). Frame (h) is provided with an upper loop (h^2), inclined loops (h^1), and inclined bars (h^3). In contrast to the presently claimed lace securing and adjusting device, *Wilson et al.* does not teach or suggest a longitudinal axis that is formed through geometric centers of two lateral apertures and one central aperture. As shown in Figures 4A and 4B as originally filed, applicant's inventive lace securing and adjusting device is provided with two lateral apertures (104, 104' in Fig. 4A; 126, 126' in Fig. 4B) and a central aperture (106 in Fig. 4A; 128 in Fig. 4B). A longitudinal axis (102 in Fig. 4A; 124 in Fig. 4B) is formed through geometric centers of the two lateral apertures and central aperture. According to Figure 4 of *Wilson et al.*, unlike applicant's claimed device, a longitudinal axis is not and can not be formed through the geometric centers of upper loop (h^2) and inclined loops (h^1) of the frame (h) as disclosed by *Wilson et al.* *Wilson et al.* therefore does not disclose each element of the claimed invention and does not anticipate amended Claim 1.

It is therefore urged that Claims 1, 2, 4-12, 14, 15, 19, and 20 are not anticipated by *Wilson et al.*, and that the present rejection of the claims under 35 U.S.C. §102(b) may thus be properly withdrawn.

Allowable Subject Matter

Applicant notes that the Examiner pointed out in the Final Office Action that Claims 13, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form and including all of the limitations of the base and intervening claims.

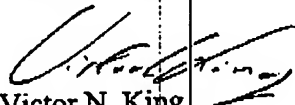
Appl. No. 10/603,380
Amdt. dated March 9, 2005
Reply to Advisory Action of March 3, 2005

Claims 13, 16, and 18 have been canceled and rewritten as independent Claims 21, 22, and 23. Claims 21 and 22 are therefore allowable.

Conclusion

In view of the above amendments and remarks, applicant believes that all of the Examiner's concerns have been addressed. Early reconsideration and allowance of Claims 1, 2, 4-12, 14, 15, 17, and 19-23 is respectfully requested.

Respectfully submitted,


Victor N. King
Registration No. 55,963

Date: March 9, 2005
SPECKMAN LAW GROUP PLLC

20601

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☐ **BLACK BORDERS**

☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**

☐ **FADED TEXT OR DRAWING**

☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**

☐ **SKEWED/SLANTED IMAGES**

☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.